

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

PAMELA A. BAUGHER

Plaintiff,

v.

KADLEC HEALTH SYSTEM dba
REGIONAL MEDICAL CENTER,

Defendant.

NO: 4:14-CV-5118-TOR

ORDER GRANTING MOTION TO
CONSOLIDATE CASES

---AND---

v.

STATE OF WASHINGTON,
KADLEC HEALTH SYSTEM dba
REGIONAL MEDICAL CENTER,
and ALLIANCE FOR CONSISTENT
CARE PROGRAM,

Defendants.

NO: 4:15-CV-5043-TOR

BEFORE THE COURT is Defendant Kadlec Health System's Motion to Consolidate Cases (4:14-CV-5118-TOR, ECF No. 48). This matter was submitted for consideration without oral argument. The Court has reviewed the briefing and the record and files herein, and is fully informed.

1 Pursuant to Fed. R. Civ. P. 42(a), Defendant Kadlec Health System moves
2 the Court for entry of an order consolidating the case *Baughner v. Kadlec Health*
3 *Systems, et al.*, 4:14-CV-5118-TOR, with *Baughner v. State of Washington, et al.*,
4 4:15-CV-5043-TOR. ECF No. 48. Defendant Washington State does not object to
5 consolidation. 4:15-CV-5043-TOR, ECF No. 10. Defendant Alliance for
6 Consistent Care Program has not yet appeared in the case or filed an answer.
7 Plaintiff has filed an objection to consolidation based upon her understanding of a
8 previous Court order. 4:14-CV-5118-TOR, ECF No. 56 (“It was my
9 understanding (best my recollection) that Judge thought my claim of Kadlec
10 EMTALA violation October 6, 2014 was separate from Edie Alert, State of
11 Washington, Alliance etc related matters, notwithstanding Edie Alert might been a
12 “reason” for said Oct 6, 2014 EMTALA related claims of Baughner etc.”).

13 Under Federal Rule of Civil Procedure 42(a) which governs consolidation,
14 “[i]f actions before the court involve a common question of law or fact, the court
15 may: (1) join for hearing or trial any or all matters at issue in the actions; (2)
16 consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or
17 delay.” Fed. R. Civ. P. 42(a). “The district court has broad discretion under this
18 rule to consolidate cases pending in the same district.” *Investors Research Co. v.*
19 *U.S. Dist. Court for Cent. Dist. of California*, 877 F.2d 777 (9th Cir. 1989). In
20 determining whether to consolidate cases, the court should “weigh the interest of

1 judicial convenience against the potential for delay, confusion and prejudice.” *Zhe*
2 *v. UCBH Holdings, Inc.*, 682 F. Supp. 2d 1049, 1052 (N.D. Cal. 2010); *see also*
3 *Huene v. United States*, 743 F.2d 703, 704 *on reh’g*, 753 F.2d 1081 (9th Cir. 1984).

4 The Court determines that consolidation of the cases is appropriate. First,
5 the cases involve the same questions of law and fact. Plaintiff alleges in both cases
6 that on October 6, 2014, she was denied emergency treatment by Defendant
7 Kadlec Health Systems in violation of the Emergency Medical Treatment and
8 Active Labor Act (EMTALA), 42 U.S.C. § 1395dd. *See* 4:14-CV-5118-TOR, ECF
9 No. 38; 4:15-CV-5043-TOR, ECF No. 1 (incorporating factual allegations from
10 pleadings in 4:14-CV-5118-TOR). As part of this common allegation, Plaintiff
11 contends that Defendant Kadlec Health Systems improperly relied upon an “Edie
12 Alert” which informed staff not to admit her. *See* 4:15-CV-5043-TOR, ECF No. 2
13 at 2; 4:14-CV-5118-TOR, ECF No. 4 at 2–3.

14 Plaintiff’s complaint in 4:15-CV-5043-TOR, alleges further violations of the
15 American with Disabilities Act, the Washington Law Against Discrimination, and
16 the Fourteenth Amendment, and names two additional Defendants—Washington
17 State and Alliance for Consistent Care Program—which Plaintiff did not name in
18 her former case. Plaintiff, however, relies upon the same set of factual allegations
19 in both cases.

20 Plaintiff’s objection to consolidation is based upon a misunderstanding of

1 the Court's previous order. Plaintiff had filed a motion in 4:14-CV-5118-TOR to
2 declare Washington State law defunding Medicaid unconstitutional. ECF No. 28.
3 The Court denied that motion because Plaintiff had not named Washington State as
4 a defendant in the previous action. ECF No. 30 at 14. Now that Washington State
5 is a named defendant, Plaintiff can litigate this claim alongside her other claims.

6 Further, the Court never concluded that Plaintiff's Edie Alert allegations
7 were not related to her EMTALA claims. Quite the contrary, the Court has
8 understood Plaintiff's EMTALA claim to incorporate her allegations about the
9 improper use of Edie Alerts. *See* ECF No. 30 at 9 ("The information in the Eddie
10 Alert and its dissemination is related to Plaintiff's EMTALA claim as a potential
11 reason why Plaintiff was denied an emergency evaluation."). Whether Plaintiff
12 now alleges the Edie Alert is a separate violation of EMTALA or another law does
13 not alter the fact that the factual allegations relating to the Edie Alert are central to
14 both of Plaintiff's cases.

15 The Court finds that consolidation will reduce delay and confusion in this
16 matter without prejudicing the parties. Dispositive motions are pending in both
17 cases (4:14-CV-5118-TOR, ECF Nos. 50, 55; 4:15-CV-5043, ECF No. 9).
18 Consolidation of the cases will allow the Court to hear these motions in
19 conjunction, expediting their resolution. Consolidation will also reduce confusion,
20 particularly by allowing Plaintiff, who acts *pro se*, to focus all of her arguments

1 and factual allegations into a single case instead of attempting to split them
2 between two related cases. Finally, consolidation will not prejudice the parties as
3 both matters are in similar procedural postures, involve the same factual
4 allegations, present no conflicts of interest, and because resolution of the cases
5 together will ensure consistency in the findings and conclusions of the Court.

6 **ACCORDINGLY, IT IS HEREBY ORDERED:**

- 7 1. Defendant Kadlec Health System's Motion to Consolidate Cases (ECF
8 No. 48) is **GRANTED**.
- 9 2. The cases *Baughner v. Kadlec Health System*, 4:14-CV-5118-TOR, and
10 *Baughner v. State of Washington, et al.*, 4:15-CV-5043-TOR, are
11 CONSOLIDATED as 4:14-CV-5118-TOR. No further filings shall be
12 made in 4:15-CV-5043-TOR, which file shall be administratively closed.
13 All pleadings therein maintain their legal relevance. Any further
14 pleadings received by the Clerk of Court for case number 4:15-CV-5043-
15 TOR shall be filed in case number 4:14-CV-5118-TOR.
- 16 3. The parties in the consolidated action shall abide by the Jury Trial
17 Scheduling Order entered March 12, 2015 at ECF No. 42 in case number
18 4:14-CV-5118-TOR. Pursuant to Fed. R. Civ. P. 16(b)(4), the dates set
19 forth in that Order may be amended only by Order of the Court and upon
20 a showing of good cause.

1 4. All remaining pending motions will be heard telephonically on
2 September 1, 2015, at 1:30 p.m, as previously scheduled.

3 The District Court Executive is hereby directed to enter this Order, provide
4 copies to counsel, and administratively **CLOSE 4:15-CV-5043-TOR.**

5 **DATED** July 30, 2015.



Thomas O. Rice
THOMAS O. RICE
United States District Judge